IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION No. 23798 of 2004

Between:

Bovilla Yanadi Reddy, S/o.Gopal Reddy,
R/o.12-116-1, Gandhinagar, Madakalavaripalli Village,
Gopavaram Mandal, Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional officer, Rajampet, Kadapa District.
2 The Mandal Revenue officer, Gopavaram Mandal, Gopavaram,
Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari quashing the notice issued by the 2nd respondent in his Ref.A/29/2003, dated 16-12-2004 under section 7 of A.P. Land Encroachment Act 1905 to the petitioner in respect of house bearing No.12/116-1, Gandhinagar, Madakalavaripalli village, Gopavaram Mandal in Kapada District by declaring the same as illegal, unjust, arbitrary, discriminative, malafide, extraneous, colourable exercise of power and against the statutory provisions and against the Article 14 of the Constitution of India.

Counsel for the Petitioner: Mr.L.J.VEERA REDDY

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent the writ petition itself is disposed at the stage of admission.

Questioning the notice issued by the second respondent-Mandal Revenue Officer, Gopavaram Mandal of Kadapa District, in Ref.A/29/2003, dated 16-12-2004 under Section 7 of the A.P. Land Encroachment Act, 1905, calling upon the petitioner to show cause as to why he should not be evicted from the house bearing door No.12/166-1 in an extent of ½ cent of land situated in Gandhinagar, Madakala varipalli village, Gopavaram Mandal of Kadapa District, the petitioner filed the present writ petition.

Having regard to the facts and circumstances of the case and in view of the fact that the petitioner has not submitted his explanation to the impugned show-cause notice, I deem it appropriate to direct the petitioner to submit his explanation to the impugned show-cause notice issued by the second respondent in Ref.A/29/2003, dated 16-12-2004 within a period of two weeks from the date of receipt of a copy of this order, and on such explanation being filed, the second respondent shall consider the same and pass appropriate orders thereon in accordance with law. Till passing of such orders, the petitioner shall not be evicted from the property in question.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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N.V.RAMANA, J

Date: 21.12.2004

Note: C.C. in (2) days.

B/o DA

To

1 The Revenue Divisional officer, Rajampet, Kadapa District.
2 The Mandal Revenue officer, Gopavaram Mandal, Gopavaram, Kadapa District.

3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two spare copies.